

REMARKS

At the outset, Applicants thank the Examiner for the thorough review and consideration of the pending application. The Office Action mailed February 11, 2008 has been received and its contents carefully reviewed.

The Office Action rejects claims 1-5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,738,424 to *Katz et al.* (hereinafter "*Katz*"). The Applicants respectfully traverse this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicants submit that *Katz* does not teach every element of claims 1-5 and therefore cannot anticipate these claims. More specifically, independent claim 1 recites a clothes dryer, which includes, among other features, a "hook having a first end disposed on a surface of the control panel and a second end... the second end of the hook inserts into a hole disposed in the groove in the top cover; and a fire wall made of metal disposed below the second end of the hook inserted into the groove in the top cover." Independent claim 4 recites a laundry dryer which includes, among other features, "a control panel including a hook disposed at a surface of the control panel ... and a fire wall disposed below the top cover and the entire structure of the hook." *Katz* fails to disclose at least these features.

The Examiner alleges that *Katz* anticipates the claimed invention. However, fails to identify what feature disclosed by *Katz* is relied upon to disclose the feature of "a fire wall." Rather, the Examiner alleges that "one skilled in the art would recognize that the disclosed

backsplash meets the claimed fluid leak feature.” *Office Action at pages 2-3.* The Applicants respectfully disagree.

In order to anticipate a claim, the prior art must describe each and every element set forth in the claim. *See M.P.E.P. 2131.* *Katz* fails to disclose any element, either expressly or inherently, that could be construed as “a fire wall made of metal disposed below the second end of the hook inserted into the groove in the top cover and the fire wall directing a fluid toward an outside of the body when fluid leaks through the hole,” as recited in claim 1 or “a fire wall disposed below the top cover and the entire structure of the hook; wherein the firewall has a curvature such that when a fluid leaks through the hole onto the firewall, the fluid is directed toward an outside of the body,” as recited in claim 4.

Moreover, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *M.P.E.P. 2143.03.* Whether or not “one skilled in the art would recognize that the disclosed backsplash meets the claimed fluid leak feature,” the Examiner has ignored that *Katz* fails to disclose any structure that is “disposed below the second end of the hook inserted into the groove in the top cover,” or “disposed below the top cover and the entire structure of the hook.” Therefore, *Katz* fails to anticipate at least “a fire wall,” as claimed.

Further, the Examiner alleges that *Katz* discloses “a control panel 21 having a hook 41 or 42, the hook having a first end disposed on a surface of the control panel and a second end,” and “the top cover comprising a groove 29 provided at a rear portion of the top cover, wherein the second end of the hook inserts into a hole 30 disposed in the group of the top cover.” *Office Action at page 2.* The Applicants respectfully disagree.

What Katz actually discloses is a cover member 21 assembled with the control mounting plate 20, whereby these features constitute the control panel assembly 19. Even if one skilled in the art contemplated construing slot 30 as a hole, Katz discloses that slot 30 is formed in the control panel assembly 19, not a "in the groove in the top cover," as required by the claim. Therefore, Katz cannot possibly disclose "the second end of the hook inserts into a hole disposed in the groove in the top cover."

In addition, the Examiner alleges that reference number 29 is relied upon to anticipate the claimed "groove." However, one of ordinary skill in the art would recognize that tab 29 could not be considered a "groove," as claimed. First, tab 29 corresponds to the control panel assembly 19, not "the top cover," as claimed. Thus, even if tab 29 could possibly be construed as a groove, *Katz* fails to disclose that tab 29 is "provided at a rear portion of the top cover," as claimed in claim 1 or that tab 29 "runs along a width of the top cover wherein the groove directs fluid on the top cover toward an exterior of the laundry dryer," as claimed in claim 4.

For at least the aforementioned reasons, the Applicants submit that claims 1 and 4 are patentably distinguishable over *Katz*. Likewise, claims 2, 3, and 5 which variously depend from claims 1 and 4 are also patentable for at least the same reasons. Accordingly, Applicants respectfully request the 35 U.S.C. §102(b) rejection of claims 1-5 over *Katz* be withdrawn.

The Office Action rejects claims 1-5 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,192,102 (hereinafter "the '102 patent") in view of *Katz*. The Applicants respectfully disagree.

Claims 1-5 of the instant application are not obvious in view of claims 1-11 of the '102 patent. More specifically, neither the '102 patent nor *Katz* claim any element that could be construed as "a fire wall made of metal disposed below the second end of the hook inserted into the groove in the top cover and the fire wall directing a fluid toward an outside of the body when fluid leaks through the hole," as recited in claim 1 or "a fire wall disposed below the top cover and the entire structure of the hook; wherein the firewall has a curvature such that when a fluid leaks through the hole onto the firewall, the fluid is directed toward an outside of the body," as recited in claim 4. Since neither of the references claim each and every feature of the claimed invention, claims 1-5 are patentable over the '102 patent in view of *Katz*. Accordingly, the Applicants respectfully request that the nonstatutory obviousness-type double patenting rejection of claims 1-5 be withdrawn.

The application is in condition for allowance and early, favorable action is solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

Application No.: 10/663,997
Amdt. dated May 12, 2008
Reply to Non-Final Office Action dated February 11, 2008

Docket No.: 9988.058.00

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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